

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

MANUEL MATEO-EVANGELIO, JAIME)	
TREJO-CARDONA, GILBERTO CERVANTES-)	
VEGA, REYNALDO VILLALOBOS-MARTINEZ,)	
EMILIO REYES, MARIA DE LOS ANGELES)	
GONZALEZ-ROMAN, RAMIRO CERVANTES-)	
VEGA, FRANCISCO CARMELO MATIAS-)	
CASTRO, PABLO GONZALEZ-ROMAN,)	
BENIGNO VILLAGOMEZ-GARCIA, and)	
SERGIO NARCISO LOPEZ-JUAREZ, on behalf)	CLASS ACTION
of themselves and all other similarly situated)	
persons,)	
)	
Plaintiffs,)	
)	
v.)	
)	
TRIPLE J PRODUCE, INC., HOCUTT)	Civil Action No.:
BROTHERS, INC., HOCUTT FARMS, INC.,)	7:14-cv-302-FL
JUDY HOCUTT, JOEY M. HOCUTT, JAMES)	
MICHAEL HOCUTT, and M. JAY HOCUTT,)	
)	
Defendants.)	
)	

ORDER APPROVING CONTENT OF NOTICE TO COLLECTIVE ACTION MEMBERS
AND METHOD OF DISTRIBUTION OF CLASS NOTICE

**SECOND JOINT MOTION AND SUPPORTING MEMORANDUM TO APPROVE
NOTICE TO FLSA COLLECTIVE ACTION MEMBERS AND TO APPROVE METHOD
FOR DISTRIBUTING NOTICE**

This matter is before the Court on the Second Joint Motion and Supporting Memorandum to Approve Notice to FLSA Collective Action Members and to Approve Method for Distributing Notice (“Second Joint Motion”). In support of their Section Joint Motion, the named Plaintiffs and the Defendants have filed a stipulated notice and method of distribution. The proposed content and method of distribution for that notice are consistent with that previously approved for use in other similar wage actions before the federal courts of this state. *See Haywood v. Barnes*, 109 F.R.D. 568

(E.D.N.C. 1986). They also appear to be reasonably calculated to provide the best notice practicable under the circumstances of this case.

The Notice to Class Action Members of Proposed Settlement, Deadline for Objections, and Opportunity to Withdraw (the “Rule 23(b)(3) Notice”) that the Court has already approved is both a neutral and comprehensive document that fairly apprises the Plaintiff Rule 23(b)(3) Class and FLSA Collective Action Members of (i) the pendency of the class action and FLSA collective action, (ii) the substance of the litigation, (iii) the reasons for compromising the claims, (iv) the terms of the proposed settlement, and (v) the opportunity to withdraw from the Rule 23(b)(3) Class. Doc. 68 at 1-2 (Order) and Doc. 68 at 3-17 (Rule 23(b)(3) Notice). That same Rule 23(b)(3) Notice also provides the Plaintiff Class and Collective Action Members with an opportunity to obtain any necessary further information, and apprises them of their right to object to the settlement, the objection deadline, and the date of the hearing on this Court’s final approval, if any, of the Settlement Agreement. *Id.*

The proposed Notice of Opportunity to Join Lawsuit under 29 U.S.C. § 216(b) (“Section 216(b) Notice”) provides the putative members of the FLSA Collective Action that the Court has certified under 29 U.S.C. § 216(b) by Order filed on January 14, 2016 with additional information as to the nature of the FLSA collective action that the Court has certified. Doc. 67 at 17-19. That proposed Section 216(b) Notice also provides those putative members with specific information as to the terms and conditions under which they may “opt in” or participate in that FLSCA collective action pursuant to 29 U.S.C. § 216(b). That information includes but is not limited to the provision of a Consent to Sue form by which they may do so along with additional information as to where to send that form.

The Court therefore formally approves the content of the Section 216(b) Notice attached to

the Joint Motion, as well as the method of distribution for the Section 216(b) Notice to the FLSA collective action members set out in the Second Joint Motion. As with the Rule 23(b)(3) Notice, the Section 216(b) Notice shall be distributed to the members of the FLSA collective action previously certified by this Court within thirty (30) days of January 14, 2016.

IT IS SO ORDERED.

This the 25th day of January.

A handwritten signature in black ink, appearing to read "David W. Elmer", written over a horizontal line.

U.S. District Judge